

**SMITH** LLC  
JOSHUA SMITH, ESQ.

November 8, 2021

Via CM/ECF

The Honorable Norman K. Moon  
The Honorable Joel Hoppe  
United States District Court for the Western District of Virginia  
255 West Main Street  
Charlottesville, Virginia 22902

**Re: *Sines et al. v. Kessler et al.*, No. 3:17-cv-00072; Violation by  
Plaintiffs' Counsel of the Court's July 9, 2021 Settlement Conference  
Order (ECF No. 989)**

Dear Judge Moon and Judge Hoppe:

This letter is in reply to Roberta Kaplan's letter (ECF No. 1399) responding to my November 4, 2021 letter (ECF No. 1395).

Ms. Kaplan asserts that her seemingly damning admission actually "provides no support for the accusation that we disobeyed the Court's July 2021 Order" because "the statement . . . was made in 2018 — three years before [the Court] issued the July 2021 Order. . . . Any statement that I made to recruit Mr. Bloch to come work at our law firm obviously has no bearing on Plaintiffs' compliance with the July 2021 Order three years later." (ECF No. 1399 at 1.)

From day one of this litigation, Plaintiffs' position has been the following:

- (1) A person's statements, even from years earlier, are evidence of their future intent;**
- (2) Such statements may be taken literally (at least whenever the proponent of such evidence finds it convenient to do so); and
- (3) Any surrounding context is irrelevant.

Plaintiffs' counsel have their Charlottesville 2.0 Discord server; I have this interesting article recently published in the National Law Journal. The Lord works in mysterious ways.

Anyway, Ms. Kaplan does not deny she made the statement in question. If she told Michael Bloch in late 2018 that she **does not** settle with Nazis, and is now telling the Court that, sometime between late 2018 and August 20, 2021 (the date of the settlement conference), something changed about that explicit, unambiguously-expressed position, there are only two logical possibilities for what that change could be:

- (1) Ms. Kaplan suddenly became open to the possibility of settling with Nazis, or
- (2) Ms. Kaplan suddenly no longer considered my clients to be Nazis (or indeed, any of the other Defendants in attendance at the settlement conference).

Neither of these are even remotely plausible in light of, *inter alia*, Ms. Kaplan's many vitriolic public statements in connection with this litigation.

Ms. Kaplan also appears to claim that she was merely engaging in puffery about how tough she *really* is towards Nazis in order to recruit Mr. Bloch to work at her law firm. (See ECF 1399 at 1.) This is simply not credible; in any case, the Court should not permit Ms. Kaplan to evade accountability for her ill-considered public statements — especially while she is demanding a completely different set of rules for Defendants' public statements. Ms. Kaplan's conduct here is *not* trivial. An entire day of my time and my clients' time was completely wasted. This is specifically why the Court included a provision in its July 9, 2021 Order warning the parties that monetary sanctions may be imposed if it finds that a party failed to negotiate in good faith at the settlement conference.<sup>1</sup>

Very truly yours,

/s/ Joshua Smith

Joshua Smith, Esq.

*Counsel for Defendants David Matthew Parrott, Matthew Heimbach, and Traditionalist Worker Party*

---

<sup>1</sup> Surely Ms. Kaplan's firm can afford to pay the requested sanctions, as Plaintiffs' counsel have received well over \$20 million from organizations funding the instant litigation thus far.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2021, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to all counsel of record in the case, as well as all ECF-registered *pro se* parties.

I hereby further certify that on November 8, 2021, I served a copy of the foregoing on the following non-ECF *pro se* parties, via electronic mail, as follows:

Richard Spencer  
richardbspencer@icloud.com  
richardbspencer@gmail.com

Robert "Azzmador" Ray  
azzmador@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

Elliott Kline a/k/a Eli Mosley  
eli.f.mosley@gmail.com  
deplorabletruth@gmail.com  
eli.r.kline@gmail.com

I hereby further certify that on November 8, 2021, I served a copy of the foregoing on the following non-ECF *pro se* party, via first-class mail, as follows:

Christopher Cantwell (00991-509)  
USP Marion  
U.S. Penitentiary  
P.O. Box 1000  
Marion, IL 62959

/s/ Joshua Smith

Joshua Smith, Esq.  
Pennsylvania Bar ID No. 207585  
Smith LLC  
807 Crane Avenue  
Pittsburgh, Pennsylvania 15216  
(917) 567-3168 (phone)  
joshsmith2020@gmail.com

*Counsel for Defendants David Matthew Parrott, Matthew Heimbach, and Traditionalist Worker Party*